

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

ARBITRATION PETITION (LODGING) NO.177 OF 2007

Sahara Airlines Limited & ors

Petitioners

vs.

Jet Airways (India) Limited

Respondents

Dr.Virendra Tulzapurkar, Senior Counsel along with
Ms.Alpana Ghone i/b.M/s.DSK Legal for the petitioners.

Mr.Janak Dwarkadas, Senior Counsel along with
Mr.C.M.Mehta, Mr.R.J.Gagrat, Ms.Sheetal Auhad, Advocates
i/b.M/s.Gagrats for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd April, 2007

P.C.

Mentioned. Not on board. Taken on board in view
of urgency.

2. The petitioners have filed this application under
Section 27 of the Arbitration and Conciliation Act, 1996
after taking leave from the Arbitral Tribunal as
contemplated under Section 27 of the Act. Para 2 of the
Order passed by the learned Tribunal is reproduced as
under:

". One application is filed by Sahara
Airlines Limited requesting the Tribunal
to grant approval to them to apply to
the Court (the High Court of Judicature
Bombay) for orders summoning Mr.T.N.V.
Ayyar to depose before the Tribunal.
Mr.T.N.V. Ayyar is a material witness,
having been involved in relevant
negotiations. The Tribunal is of the
opinion that this application ought to
be allowed."

3. Considering the averments made in the petition and in view of the observation made by the Tribunal that Mr.T.N.V.Ayyar is an important witness and for proper adjudication of the matter and further as there is no objection from other side, I am inclined to grant this petition in terms of prayer (a) which reads thus:

- (a) for an order from this Hon'ble Court and directing Mr.T.N.V.Ayyar to appear and depose before the Arbitral Tribunal during the hearing to commence from 9th April, 2007 and produce relevant documents, if any, pertaining to :
- (i) the circumstances relevant to the execution of alleged Amendment Agreement No.2 and the agreement between the parties relating to destruction of alleged Amendment Agreement No.2;
- (ii) his communication with Mr.Naresh Goyal, when Mr.Naresh Goyal evinced interest to close the transaction on or before 21st June, 2006 only if the petitioners reduce the price of the deal to Rs.1125 crores; and
- (iii) all other relevant information pertaining to the transactions covered by the SPA. "

4. Office to issue necessary summons in accordance with law.

5. Petition is disposed of accordingly.

[ANOOP V. MOHTA,J.]